

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of:	)	
	)	
Protecting the Privacy of Customers of	)	Docket No. 16-106
Broadband and Other Telecommunications	)	
Services	)	

**OPPOSITION TO PETITION FOR RECONSIDERATION OF FCC  
REPORT AND ORDER PROTECTING THE PRIVACY OF  
CUSTOMERS OF BROADBAND AND OTHER  
TELECOMMUNICATIONS SERVICES**

**I. INTRODUCTION AND SUMMARY**

The Wireless Association (“CTIA”), American Cable Association (“ACA”), United States Telecom Association (“USTelecom”), The Internet & Television Association (“NCTA”), Oracle Corporation, The Wireless Internet Service Providers Association (“WISPA”), The Voice of Mid-Size Communications Companies, Association of National Advertisers, and others have filed Petitions for Reconsideration of the “Report and Order” in the 16-106 proceeding.

**A. Numerous Replies to Corporate Comments and related District Court filings were ignored and follow as links as would have prevented most Petitions for Reconsideration.**

1. <https://ecfsapi.fcc.gov/file/60002226722.pdf>, <https://ecfsapi.fcc.gov/file/60002212676.pdf>  
7-page Curtis J. Neeley Jr REPLY to corporate “stakeholders” (AAF, 4A's, ANA, DMA, ERA, ETA, IAB, NAI, Nat'l Business Coalition on E-Commerce) wholly misleading and deceptive comments as were ignored by all and objecting to all Reconsideration Petitions filed now.

Lawyers citing "creative" commercial “free-speech” rulings as relevant to personal privacy protection(s) announced by the FCC is a law-student mistake the FCC should NOT ignore like Section 222 has been for decades. Curtis J. Neeley Jr. will help the FCC against any corporate challenge to these announced privacy protections and should make opposing corporations reconsider.

. . . Corporations, like ATT U-verse, require use of corporate DNS in order to better monetize usage of proprietary data before encryption, which is clearly prohibited by 47 U.S.C. §222. Mandating use of ATT DNS allows and encourages violations of personal privacy and prohibits protection of interstate communications by choosing to use regulated DNS in public schools so absolutely no nakedness can be communicated from a distance to a horny teen in U.S. schools with FCC subsidization of unregulated wire telecommunication of human sounds, writings or gestures.

2. <https://ecfsapi.fcc.gov/file/60002351086.pdf>

10-page Curtis J. Neeley Jr REPLY to Commissioner O'Reilly's wholly misleading and deceptive political statement released while whining about court rulings included wholly [herein] because these should be retracted:

- Most Petitions filed repeatedly challenge the authority of the FCC to make the *Report and Order* due to perhaps not reading Sections 201, 202, 222 or any of the Communications Act of 1976, as modified to date since for the last 18 years the FCC ignored most of these laws. Many cite a long failure to follow law as encouraging reliance on FCC malfeasance continuing;
- Most Petitions fail to simply acknowledge the statutory authority for the FCC ruling(s) and plead for the FCC to allow the FTC to regulate common carrier privacy for everyday personal communications, as if these are made like the communications made while doing business;
- Most Petitions Urge the Commission to abuse language like U.S. Courts regularly do and assign special meanings to buzzwords or use buzz phrases like “*customer proprietary information*” in order to ignore the plain wording of the law(s) Congress pass ;
- More than one Petition raises issues outside of this proceeding, including the Court Affirmed Open Internet Order though citing not-yet-denied Motions to Reconsider *en banc*.

CTIA and others are actively engaged in selling and using “*customer proprietary information*” without customer authorization feel the last eighteen years of FCC misfeasance caused by the VOID *Reno v ACLU* 96-511(1997) FIAT should continue instead of the FCC challenging this mistake causing detrimental reliance on FCC malfeasance continuing. The Petitions should not be distractions from the FCC “*Network Neutrality*” and the future “*Hazardous Nuisance Repair*” effort. For these reasons, Curtis J. Neeley et. al., urge the Commission to act swiftly and deny the nearly frivolous Petitions.

## **II. THE PETITIONS IGNORE OR MISCONSTRUE ELEMENTS OF SECTIONS 201, 202, 222 and wholly ignored**

### **A. The Petitions Misrepresents or Ignores the Section 201(b) Provision for the Commission to prescribe any rules and regulations as may be necessary in the public interest to carry out the provisions of this chapter**

It is beyond unbelievable to see paid attorneys ignore FRCP 11 and not even read the final sentence of Section 201(b) like the common public will do. This sentence statutorily gives the FCC the ability to write any order; whatsoever, if the Commission feels the rule is necessary to preserve the

public interest. After reading this, it is hard to bother with the numerous attempts to act as if public interests do not include privacy.

**B. Petitioner(s) failed to even read Section 202 before alleging it does not apply to online privacy.**

Section 202 concludes by advising of the unlawfulness of: “subject[ing] any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage”. When the normal citizen reads this, -as angry citizens will soon do, there is no possibility the violations of absolute communications privacy, which some ISPs desire to continue, will not be considered wildly prejudicial and a severe disadvantage customers whether realized or not.

**C. Petitioner(s) then failed to read Section 222 before alleging it does not apply to privacy of any and ALL types of customer proprietary information.**

There is absolutely no possibility the petitioners considered Section 222 marginally before beginning to search for and assert prior mistakes and prior semantics warranted failure to follow the *Communications Act*. The Sections are listed herein and have the obvious portions ignored by petitioners made bold and/or underlined.

**III. SEVERAL PETITIONS REPORT FCC TREATMENT OF ISPS AS COMMON CARRIERS AND TREATMENT OF GOOG AND OTHER END USERS DIFFERENTLY AND ALLEGED THIS DISCRIMINATION SHOULD NOT BE ALLOWED. ISPS USE THIS TO JUSTIFY RECONSIDERATION OF THE *ORDER* TO PRESERVE THE CURRENT *WARPED NTERNET ECOLOGY* AND ADVISE ANY PRIVACY PROTECTION REQUIRED FOR COMMON CARRIERS OF TELECOMMUNICATIONS AND NOT END USERS IS NOT ALLOWED.**

**A. Novel arguments against different treatment for the same type unauthorized harvesting and “monetization” of user proprietary data is spread throughout the various petitions**

It is a novel idea asking the FCC to treat “*apples*” (common carrier providers) and “*oranges*” (end users of common carriers) as the same exact thing with the same type captive relationship to end users. Several ISPs allege GOOG et. al. have the same type access to customer proprietary information and tell the Commissioners Gmail or Android users do not have another choice and allege this monopoly is the same as having no choice like is usually true for an ISP. There are other equivalent or

superior providers of email and searches who respect user privacy and who would reject even NSA requests or demands for user data.

**IV. THE VARIOUS SECTIONS OF LAW THE PETITIONERS IGNORED FOLLOW WITH HIGHLIGHTING FOR PARTS NO ISP USER COULD POSSIBLY MISS.**

## **Section 151**

For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communications, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is created a commission to be known as the “Federal Communications Commission”, which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this chapter.

## **Section 153 (11) Common carrier**

The term “common carrier” or “carrier” means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this chapter; but a person

engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier

## **Section 153 (50) Telecommunications**

The term “telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

## **Section 153 (51) Telecommunications carrier**

The term “telecommunications carrier” means any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in section 226 of this title). A telecommunications carrier shall be treated as a common carrier under this chapter only to the extent that it is engaged in providing telecommunications services, except that the Commission shall determine whether the provision of fixed and mobile satellite service shall be treated as common carriage.

## **Section 153 (53) Telecommunications service**

The term “telecommunications service” means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

## **Section 201(b)**

All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is declared to be unlawful: *Provided*, That communications by wire or radio subject to this chapter may be classified into day, night, repeated, unrepeated, letter, commercial, press, Government, and such other classes as the Commission may decide to be just and reasonable, and different charges may be made for the different classes of communications: *Provided further*, That nothing in this chapter or in any other provision of law shall be construed to prevent a common carrier subject to this chapter from entering into or operating under any contract with any common carrier not subject to this chapter, for the exchange of their services, if the Commission is of the opinion that such contract is not contrary to the public interest: *Provided further*, That nothing in this chapter or in any other provision of law shall prevent a common carrier subject to this chapter from furnishing reports of positions of ships at sea to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship position reports. The Commission may prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of this chapter<sup>1</sup>.

## **Section 202**

### **Charges, services, etc.**

It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like

<sup>1</sup> 47 U.S. Code Chapter 5 - WIRE OR RADIO COMMUNICATION

communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, **or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.**

## **Section 222(c)**

### **Confidentiality of customer proprietary network information**

#### **(1) Privacy requirements for telecommunications carriers**

Except as required by law or with the approval of the customer, a telecommunications carrier that receives or obtains customer proprietary network information by virtue of its provision of a telecommunications service shall only use, disclose, or permit access to individually identifiable customer proprietary network information in its provision of (A) the telecommunications service from which such information is derived, or (B) services necessary to, or used in, the provision of such telecommunications service, including the publishing of directories.

#### **(2) Disclosure on request by customers**

A telecommunications carrier shall disclose customer proprietary network information, upon affirmative written request by the customer, to any person designated by the customer.

#### **(3) Aggregate customer information**

A telecommunications carrier that receives or obtains customer proprietary network information by virtue of its provision of a telecommunications service may use, disclose, or permit access to aggregate customer information other than for the purposes described in paragraph (1). A local exchange carrier may use, disclose, or permit access to aggregate customer information other than for purposes described in paragraph (1) only if it provides such aggregate information to other carriers or persons on reasonable and nondiscriminatory terms and conditions upon reasonable request therefor.

## **V. Links to FCC filings in proceeding 14-28 follow with contents described.**

1. <https://ecfsapi.fcc.gov/file/60000988983.pdf>

Secure encrypted links to searches (1-10) were used to generate the exhibits not entered due to being called indecent and obscene in (5:14-cv-05135) Doc #18. Do not follow if a minor.

These will return intentional organized criminal violations of 18 USC §1462 and 18 USC §1464 by GOOG and MSFT. Each communicating naked images in the improperly unregulated wire and the radio mediums. The FCC was created to make wire and radio communications SAFE for children to encounter without supervision. The FCC is now an almost useless agency helping insure pornography flows via wireless to children in public schools today.

2. <https://ecfsapi.fcc.gov/file/60000989141.pdf>  
Secure encrypted links to searches (01-10) were used to generate the exhibits not entered due to being called indecent/obscene by anonymous pornography access addicts.
3. <https://ecfsapi.fcc.gov/file/60000990372.pdf>  
NOTICE TO THE COURT AND ALL PARTIES
4. <https://ecfsapi.fcc.gov/file/60001039936.pdf>  
Appellate Case: 14-3447 Page: 1 Date Filed: 03/09/2015  
PETITION FOR PANEL REHEARING SEEKING EN BANC HEARING
5. <https://ecfsapi.fcc.gov/file/7521088915.pdf>  
Exhibit G
6. <https://ecfsapi.fcc.gov/file/7521088916.pdf>  
Exhibit M
7. <https://ecfsapi.fcc.gov/file/7521093790.pdf>  
Public Comment in 14-2/8
8. <https://ecfsapi.fcc.gov/file/7521093791.pdf>  
Info-graphic describing nternet traffic sharing.
9. <https://ecfsapi.fcc.gov/file/7521095027.pdf>  
Public Comment in 14-2/8
10. [https://www.fcc.gov/ecfs/search/filings?limit=25&offset=25&proceedings\\_name=14-28&q=filers.name:\(Curtis%20J%20Neeley\)&sort=date\\_disseminated,DESC](https://www.fcc.gov/ecfs/search/filings?limit=25&offset=25&proceedings_name=14-28&q=filers.name:(Curtis%20J%20Neeley)&sort=date_disseminated,DESC)  
Search proceeding 14-28 for Curtis J. Neeley Jr.
11. <https://ecfsapi.fcc.gov/file/7521093791.pdf>  
Info-graphic describing nternet traffic sharing.

## v. CONCLUSION

For the reasons explained above, which are obvious to the ISP common carrier user-voter, the Commission should act swiftly and deny the ISP Petitions and not allow ISPs to continue collecting and selling proprietary customer information. The “*open nternet*” was allowed to be a “*hazardous*

*nuisance*” for 18+ years encouraging both consumption and production of pornography. Before allowing and encouraging commercial FM stations to install local FM transceivers for Wi-Fi broadband signal back-haul on their assigned commercial FM frequencies, the FCC must follow the directive in Section 151 and make reception of this common carrier safe without filtration or adult supervision anywhere in the U.S. where FM radio stations can be heard like already occurs in China. ISP competition would thrive if the FCC allowed/encouraged portable FM radios to become portable hotspots. Ironically; Curtis J Neeley Jr reviewed Level 3's Petition for Reconsideration and believes this should be granted summarily by removing the “*overqualified*” preemption of other laws and implementing the Level 3's Petition for Reconsideration suggestions fully.

Respectfully submitted,

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